

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY C. ALLEN,

Plaintiff(s),

07cv1398

ELECTRONICALLY FILED

v.

GEORGE REPOSKY, et al.

Defendant(s).

Order on Motions in Limine

And now, this 17th day of March, 2010, after reviewing the parties respective motions in limine (doc. nos. 129, 131, 133 and 137) and responses thereto, it is hereby ORDERED as follows:

(1) Plaintiff's Motion in Limine to Exclude Evidence of Plaintiff's Criminal Record (doc. no. 129) is GRANTED.

(2) Plaintiff's Motion in Limine to Exclude Evidence of Plaintiff's Unrelated Prison Misconduct Record and Grievances Filed (doc. no. 131) is GRANTED.

(3) Plaintiff's Motion in Limine to Permit Testimony and/or Evidence Relating to Reposky and Stoner's Terminations from the Pennsylvania Department of Corrections (doc. no. 133) is DENIED.

(4) Defendants' Omnibus Motion in Limine (doc. no. 137) is GRANTED IN PART AND DENIED IN PART. As to Subsections A and B, said motion is GRANTED.¹ Testimony shall be limited to accounts of the events that occurred on October 16, 2005 only and evidence regarding prior discipline of defendants Reposky and Stoner should be excluded (see above ruling on doc. no. 133). As to Subsection C, said Motion is DENIED, and

¹Plaintiff filed an offer of proof which included testimony of three inmate witnesses regarding the locations/degree of force used in unrelated incidences. This Court does not believe said testimony is relevant because it would result in multiple mini trials. However, as set forth at the hearing this date, the Court may permit said testimony in rebuttal if defense witnesses "open the door."

only the redacted version of the Office of Professional Responsibility (OPR) investigation shall be introduced at trial.

The Parties shall file Revised Will Call Witness Lists and Revised Joint Exhibit List/Chart with an updated exhibit binder hand delivered to the Court in conformance with the Rulings of this Court on the Motions in Limine no later than 5:00 p.m. on March 17, 2010.

Counsel for the parties are responsible for making certain that their witnesses conform to this Order of Court and the rulings herein relating to admissibility/non-admissibility of evidence.

SO ORDERED this 17th day of March, 2010.

s/Arthur J. Schwab

Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties